

NO. 417-53803-2020

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
S.A.L, J.L.L., AND L.A.L.,	§	417TH JUDICIAL DISTRICT COURT
	§	
CHILDREN	§	COLLIN COUNTY, TEXAS

PETITIONER’S RESPONSE TO RESPONDENT’S “EMERGENCY” MOTION TO SET ASIDE TEMPORARY RESTRAINING ORDER AND RESPONDENT’S APPLICATION FOR TEMPORARY RESTRAINING ORDER

Michael Long, Petitioner, submits this Response to Respondent’s “Emergency” Motion to Set Aside Temporary Restraining Order and Respondent’s Application for Temporary Restraining Order and would respectfully show as follows:

Respondent’s “Emergency” Motion to Set Aside Temporary Restraining Order

Petitioner filed an application for a Temporary Restraining Order alleging that an emergent need exists to protect the safety of the child(ren), including but not limited to a medical professional expressing a concern that the child was being sexually abused at Respondent’s house or in Respondent’s care. These allegations and concerns are severe and need to be heard by the Court before the child is even potentially exposed to continued abuse.

A hearing was held on August 12, 2020, to consider Petitioner’s Application for a TRO. Respondent was present at the hearing and had an opportunity to be heard and present evidence. At the conclusion of the hearing, the Court extended the ex parte TRO until August 20, 2020, at which time a hearing is to be held.

Respondent does not agree with the Court’s ruling and has now filed an “emergency” motion to set aside the TRO that the Court extended on August 12. There is no emergent need to set aside the TRO. In fact, the information referenced in

Respondent's Motion was all available before/at the August 12 hearing, with the exception of the alleged issue regarding school, which relates in no way to the child's safety. Respondent even references testimony that was given at the hearing as a basis for setting aside the Court's ruling on an "emergency" basis. Ultimately, Respondent's motion is nothing more than Respondent's attempt to have a second bite at the apple. Not agreeing with the Court's ruling does not constitute an "emergency." With no information or evidence relating to the child's safety that has become available since the August 12 hearing, Respondent's motion to set aside the TRO should be denied, and Respondent's claims should be considered at the hearing currently set for August 20.

Respondent's Application for TRO

Similarly to Respondent's "Emergency" Motion to Set Aside Petitioner's TRO, Respondent's Application for a TRO does not reference any emergent information that was not available prior to the August 12 hearing. In fact, almost all of Respondent's allegations occurred 3-4 months ago. Had they constituted emergencies, Respondent would have acted more immediately. Filing an application claiming that there is an emergency now, after Petitioner has secured a TRO and a hearing has been held, is blatantly disingenuous. There are no alleged facts that constitute a current emergency or threat to the child's safety.

Attorney's Fees

Petitioner has had to secure the services of Taylor M. Mohr of Mohr Law Group to protect his rights and the safety and wellbeing of the child. Respondent's Motions have no basis in law or in fact and have been filed in bad faith or for the purposes of harassment. Petitioner requests that Respondent be ordered to reimburse Petitioner for

the attorney's fees and costs incurred in defending against Respondent's motions.

Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that the Court deny Respondent's "Emergency" Motion to Set Aside the TRO and Respondent's Application for TRO.

Furthermore, Petitioner prays that Respondent be ordered to reimburse Petitioner for the attorney's fees and costs incurred in defending against Respondent's motions.

Petitioner prays for all further relief to which he may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on August 14, 2020:

Amber Shemesh by electronic filing manager at amber@shameshfamilylaw.com.



Taylor M. Mohr
Attorney for Michael Long

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